

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: PHILLIP A. DYE and REBECCA	)	
J. DYE,	)	
	)	Chapter 13
Debtors.	)	Bankruptcy Case No. 05-11619(JKF)
_____	)	
	)	
PHILLIP ALLEN DYE and	)	
REBECCA JANE DYE,	)	
	)	
Appellants,	)	
	)	C.A. No. 05-684 GMS
v.	)	
	)	
MICHAEL B. JOSEPH BANKRUPTCY COURT	)	
TRUSTEE,	)	
	)	
Appellee.	)	
_____	)	

**ORDER**

WHEREAS, on August 31, 2005 the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") issued an Order (D.I. 62) terminating the automatic stay and allowing IndyMac Bank, a creditor, to exercise its rights against Phillip Allen Dye's ("Phillip Dye") and Rebecca Jane Dye's ("Rebecca Dye") (collectively, the "debtors") real property, located at 403 Union Church Road, Townsend, DE 19734 (the "Property");

WHEREAS, on September 20, 2005, the debtors filed a notice of appeal from the Bankruptcy Court's August 30, 2005 Order (D.I. 3), as well as a Demand for Execution of Automatic Stay and Joinder Appeal Brief (D.I. 2);

WHEREAS, on September 20, 2005, the Phillip Dye also filed a letter (D.I. 4) with the court, requesting an emergency hearing regarding his demand to execute an automatic stay; and

WHEREAS, after having considered the debtors' submissions on the issue and the August 30, 2005 transcript of the proceedings before the Bankruptcy Court the court concludes that an emergency hearing is not in the best interest of justice;

IT IS HEREBY ORDERED that:

1. Phillip Dye's letter request for an emergency hearing regarding his appeal of the Bankruptcy Court's Order terminating the automatic stay is DENIED.

Dated: September 20, 2005

  
UNITED STATES DISTRICT JUDGE

